

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Jurgen BERHNARDT ET AL-2 PCT

SERIAL NO.: 10/512,737

FILED: OCTOBER 27, 2004

PCT SERIAL NO.: PCT/EP03/03973

PCT FILING DATE: APRIL 16, 2003

TITLE: TRANSPORT SYSTEM IN BIOLOGICAL SYSTEMS

**RENEWED PETITION AND RESPONSE TO DECISION ON
PETITION UNDER 37 CFR 1.137(b)**

MAIL STOP PCT
Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the enclosed copy of a "Decision on Petition Under 37 CFR 1.137(b)" dated August 17, 2006, the Applicants are submitting herewith the following required documents:

1. Statement Under Rules 821(e), 821(f), 821(g), 825(b) & 825(d);
2. Paper Copy of Sequence Listing;
3. Sequence Listing in Computer Readable Form (Diskette);
4. Copy of Decision on Petition Under 37 CFR 1.137(b).

The said Decision on Petition included a copy of a "Raw Sequence Listing Error Report," which stated that the "Amino Acid Numbering was Invalid."

In response to this objection, a new diskette has been prepared and is enclosed herewith. This new diskette contains the required corrected Sequence Listing with an amino acid numbering that is valid.

Therefore, the enclosed copy of the "Sequence Listing" in Computer Readable Form has now been submitted as required by 37 CFR 1.821(e).

Also, this patent application contains a Statement that the content of the Sequence Listing information recorded in Computer Readable Form is identical to the written Paper Sequence Listing and includes no new matter, as required by CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For all these reasons, it is respectfully submitted that the present patent application is now in complete compliance with all the requirements for acceptance under 35 U.S.C. 371.

A granting of the Petition to Revive, which was previously filed July 24, 2006, is believed to be proper and is respectfully requested.

If any other fee is required, then the Commissioner of Patents and Trademarks is hereby authorized to charge any additional fee, or to credit any overpayment, to our Deposit Account No. 03-2468.

Respectfully submitted,
Jurgen BERNHARDT ET AL.

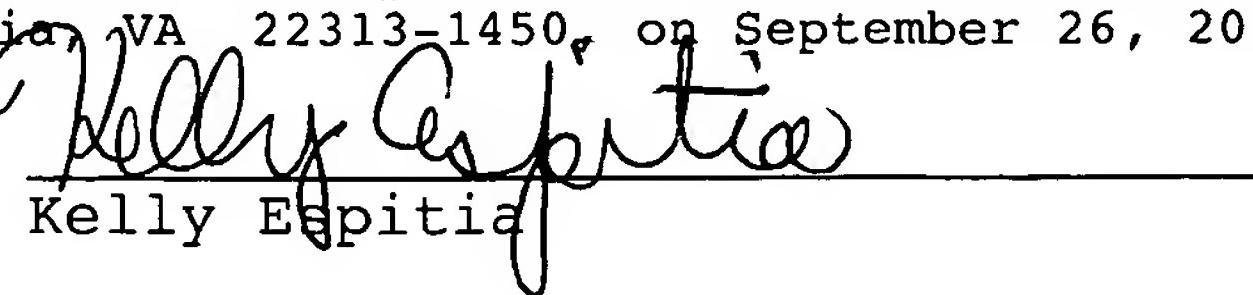


Allison C. Collard, Reg. No. 22,532
Edward R. Freedman, Reg. No. 26,048
Frederick J. Dorchak, Reg. No. 29,298
Attorneys for Applicants

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802
ERF:lgh

Enclosures: 1. Statement Under Rules 821(e), 821(f), 821(g),
825(b) & 825(d);
2. Paper Copy of Sequence Listing;
3. Sequence Listing in Computer Readable Form
(Diskette);
4. Copy of Decision on Petition Under 37 CFR 1.137(b)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 26, 2006.



Kelly Espitia



UNITED STATES PATENT AND TRADEMARK OFFICE

CP 8/20/06

17 AUG 2006

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

William Collard
Collard & Roe, P.C.
1077 Northern Boulevard
Roslyn, NY 11576

In re Application of
BERHNARDT, et al.
Application No.: 10/512,737
PCT No.: PCT/EP03/03973
Int. Filing Date: 16 April 2003
Priority Date: 29 April 2002
Atty. Docket No.: BERNHARDT ET AL 2 PCT
For: TRANSPORT SYSTEM IN BIOLOGICAL
SYSTEMS

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 24 July 2006 in the above-captioned application is hereby **DISMISSED** as follows:

Applicant has provided payment of the petition fee and the required statement of unintentional delay. However, applicant has not provided the proper reply. In the present case, the application became abandoned for failure to provide a compliant sequence listing. A review of the application file finds that the computer Readable Format (CRF) of the sequence listing filed 24 July 2006 also contained errors. Attached to this decision is a copy of the STIC Biotechnology Branch "Raw Sequence Listing Error Report."

This application remains abandoned as to the National stage in the United States.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459